

Message Text

LIMITED OFFICIAL USE

PAGE 01 BRASIL 07464 261735Z

60

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 L-03 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00 /027 W

----- 004754

R 261615Z AUG 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 7527

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

LIMITED OFFICIAL USE BRASILIA 7464

E.O. 11652: N/A

TAGS: EAIR; BR

SUBJ: CIVAIR: FINAL ACT OF 1975

REF: BRASILIA 6998

SUMMARY. CERNAI PRES STATED THAT REASON FOR REJECTION OF USG PROPOSED WORDING OF FINAL ACT IS THEIR FEAR THAT THIS IS AN ATTEMPT BY USG TO BROADEN MEANING OF PARA 5.C OF "FINAL ACT". CERNAI PRES NOTED THAT UNDER GOB INTERPRETATION OF FINAL ACT AND BILATERAL PANAM DOES NOT HAVE RIGHT TO CONSOLIDATE TWO OR MORE FLIGHTS ON TO ONE VASP PLANE IN RIO. END SUMMARY

1. ON RECEIPT OF INFO CONTAINED REFTEL FROM CERNAI, CONGEN RIO OFFICER SUGGESTED INFORMAL DISCUSSION OF CERNAI'S REASONS FOR WORDING CHANGE REFUSAL. ON AUGUST 17, 1976, CONGEN RIO OFFICERS, BRIGADEIRO BERENGUER (CERNAI PRES) AND HIS STAFF ASSISTANT DISCUSSED THE REASONS FOR THE CERNAI REFUSAL TO ACCEPT PROPOSED US WORDING CHANGES IN SECTION 5.C OF "FINAL ACT" TO 1975 CONSULTATIONS. BRIG BERENGUER NOTED THAT CERNAI PLENARY WAS OF THE VIEW THAT US WAS ATTEMPTING TO CHANGE (AND BROADEN) MEANING OF RELEVANT SECTION OF FINAL ACT. CONGEN RIO OFFICERS ASSURED BERENGUER THAT PURPOSE OF PROPOSED CHANGE WAS TO INSURE THAT CONSENSUS OF NOVEMBER 1975 WAS ACCURATELY REFLECTED IN LANGUAGE MF TEXT. CONGEN OFFS ALSO NOTED THAT PROBLEM WAS BASIC TECHNICAL AND NO ATTEMPT

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BRASIL 07464 261735Z

WAS BEING MADE TO GAIN ADVANTAGE THAT HAD NOT BEEN ACCEPTED AT

NEGOTIATING TABLE.

2. BERENGUER THEN NOTED THAT PROPOSED US CHANGE WOULD ALLOW PANAM TO COMBINE TWO US-ORIGIN FLIGHTS (IE 201 AND 443) ON ONE PANAM CHARTERED VASP PLANE AT RIO FOR TRIP TO CONGONHAS WITH DOUBLE FLIGHT NUMBER. CERNAI INTENTION IN REFUSING LATEST US PROPOSAL WAS TO ALLOW ONLY "ONE FLIGHT/ONE CHARTER" AS THEIR INTERPRETATION OF EXISTING RESTRICTIONS IN OUR BILATERAL CIVAIR FRAMEWORK. CONGEN OFFS POINTED OUT THAT IN SECTIONS A.5 AND C FINAL ACT IMPLICITLY PERMITS DUAL NUMBERED FLIGHTS BY US CARRIERS ON THE RIO-CONGONHAS LEG. BERENGUER SAID THAT CERNAI DID NOT AGREE THAT THIS WAS THE CASE.

3. WE NOTE THAT CERNAI APPROVED PANAM FLIGHT SCHEDULES WITH CONSOLIDATION OF MORE THAN ONE PANAM FLIGHT ON TO ONE CHARTERED VASP SHUTTLE (WITH DOUBLE NUMBERING) ON SEVERAL OCCASIONS IN THE PAST. HOWEVER, CONGEN OFFS AVOIDED BRINGING THIS UP AND STEERED CLEAR OF THIS ISSUE IN AN ATTEMPT TO RESTRICT CONVERSATION TO WORDING CHANGES.

4. BERENGUER RAISED POSSIBILITY THAT THE PENDING ITAMARATY NOTE ON WORDING CHANGES COULD INCLUDE A COUNTER-PROPOSAL BY CERNAI. HIS TENTATIVE PROPOSAL WOULD BE THAT USG WORDING BE ACCEPTED SUBJECT TO A DEFINITION OF TERMS TO BE INSERTED INTO THE FINAL ACT OR TO BE INCLUDED IN THE DIPLOMATIC NOTES EXCHANGED IN RATIFICATION OF FINAL ACT. THIS WOULD REQUIRE PRIOR CONSULTATION ON TEXT OF DIPLOMATIC NOTES BY USG AND GOB. CONGEN OFFS RESPONDED THAT A COUNTER-PROPOSAL IN A DIPLOMATIC NOTE CLEARLY SETTING OUT CERNAI'S VIEW WOULD BE HELPFUL WAY TO INFORM WASHINGTON OFFICIALLY OF GOB VIEWS.

5. AS DISCUSSED, CERNAI PROPOSAL MAY INCLUDE STATEMENT THAT EACH FLIGHT SHOULD HAVE ITS OWN VASP CHARTER AND SHOULD NOT BE CONSOLIDATED WITH OTHER FLIGHTS AT RIO FOR ONWARD CARRIAGE TO CONGONHAS. CONGEN OFFS NOTED THAT THIS APPEARED TO BE CONTRARY TO FINAL ACT AS NEGOTIATED IN NOVEMBER AND ALSO CONTRARY TO DEPT'S UNDERSTANDING OF FINAL ACT.

6. ON SEVERAL OCCASIONS BRIG BERENGUER NOTED THAT WHEN NEW GALEAO INTERNATIONAL AIRPORT OPENS IN FEBRUARY THIS PROBLEM COULD BE RESOLVED. HE STATED NEW AIRPORT WOULD BE OPEN TO DOMESTIC TRAFFIC LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BRASIL 07464 261735Z

IN DECEMBER, INTERNATIONAL TRAFFIC ON VARIG IN FEBRUARY AND ALL OTHER INTERNATIONAL TRAFFIC IN MARCH. AT THAT TIME, ALL CONGONHAS-BOUND PASSENGERS COULD BE MORE EASILY PROCESSED THROUGH CUSTOMS AND IMMIGRATION IN RIO. CONGONHAS PROBLEM WOULD THEN BE RESOLVED. CONGEN OFFS NOTED THAT USG WOULD NOT OBJECT TO NATIONALIZATION AT RIO IF COMPETITIVE PARITY WAS MAINTAINED BETWEEN VARIG AND US AIRLINES. WE DID NOT RAISE THE ASPECT OF A COMPETITIVE EDGE BEING GIVEN TO VARIG BY ALLOWING THEM TO MOVE INTO THE NEW GALEAO

FACILITY EARLY.

7. COMMENT: AT ONE POINT IN DISCUSSION BRIG BERENGUER NOTED THAT FINAL ACT WAS NEGOTIATED BEFORE HE ARRIVED AT CERNAI, POSSIBLY IMPLYING THAT HE WOULD HAVE NEGOTIATED DIFFERENTLY. HIS CONCERNS SEEMED TO BE REVERTING TO OLD ISSUE (IE DOUBLE NUMBERING), WHICH WOULD BE A LARGE STEP BACKWARD. AT ONE POINT BERENGUER SUGGESTED THAT ENTIRE PARA 5.C SHOULD BE RENEGOTIATED. TAKEN WITH CONVERSATION REPORTED REFTEL IT SEEMS THAT BERENGUER MAY BE CHANGING POLICIES OF HIS PREDECESSOR. WE MAY EXPECT MORE CHANGES IN CERNAI POLICY IN NEXT FEW MONTHS AS BERENGUER BEGINS TO EXERTHMORE CONTROL.

8. BRIGADEIRO'S COMMENTS ON NEW GALEAO MAY BE AN ATTEMPT TO CONVINCE US THAT CONGONHAS ISSUE IS MOOT POINT. WHILE WE BELIEVE THAT GALEAO WILL BE OPEN BY MARCH WE HAVE NO REASON TO EXPECT NATIONALIZATION OF ALL VARIG PASSENGERS IN RIO. END COMMENT.

9. ACTION REQUESTED: DEPT'S ADVICE ON ABOVE, ESPECIALLY CONCERNING POSSIBLE IMPOSITION OF A NEW "ONE CHARTER-ONE FLIGHT" POLICY.
CRIMMINS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIR TRANSPORTATION, REPORTS, AGREEMENT DRAFT, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BRASIL07464
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: DECONTROLLED PER 9/9/76 EB/AN - ROBERT A. BROWN AND ARA/BR - THOMAS SHUGART
Executive Order: N/A
Errors: N/A
Film Number: D760326-0835
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760818/aaaaapey.tel
Line Count: 136
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 BRASILIA 6998
Review Action: RELEASED, APPROVED
Review Authority: morandr
Review Comment: n/a
Review Content Flags:
Review Date: 02 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 APR 2004 by ReddocGW>; APPROVED <25 JAN 2005 by morandr>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: FINAL ACT OF 1975
TAGS: EAIR, BR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006